

AMENDMENTS TO THE DRAWINGS

Please replace the drawing sheet containing FIGS. 15-17 with the enclosed REPLACEMENT SHEET.

REMARKS

Claims 1-19 are pending in the application, with Claims 1 and 15 being independent claims. Claims 1-19 are objected to because of informalities. Claims 1 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Van (EP 0869647) in view of Kostic (U.S. Patent No. 7,079,503). Claims 2-14 and 16-19 have been objected to as set forth in paragraph 2 of the Office Action and being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The drawings are objected to because there is a lack of descriptive text legends for FIG. 2, 8, 10 and 11(e.g. in FIG. 2, “42” should be labeled as “symbol 42”, “A” should be labeled as “length A”); FIG. 16 and 17 (e.g. in FIG. 16-17, each line graph should be labeled with brief test label).

Reconsideration of the present application is respectfully requested.

With respect to the rejection of independent Claims 1 and 15 under § 103(a), the Examiner states that Van in view of Kostic renders the claims unpatentable. Claims 1 and 15 each recite “changing at least one of a length of a transmission symbol, a format of a frame, and a format of the transmission symbol depending on a type of the transmission symbol and a radius of a cell, in which communication is performed”, “and a format of the transmission symbol in response to the first control signal and a radius of a cell, in which communication is performed”. It is respectfully submitted that Van does not disclose the type of the transmission symbol claimed in Claims 1 and 15 and as defined in the specification, because the type of transmission symbol is a type of information considering transmission channel type, such as a random access channel, a control channel, etc. Kostic does not cure the deficiencies of Van. Accordingly, Claims 1 and 15 of the present invention are believed to be allowable over Van in view of Kostic.

Regarding the objection to independent Claims 1 and 15, the Examiner objects to the term “adapted to” as being optional language. Applicants respectfully disagree. The clause “adapted to” is not optional language in these claims, but instead represents the ability of the method of the present claims to perform adaptive operations in consideration of the environment.

Regarding the objection of Claims 6-7 concerning "a micro format", the objection is incorrect and appears to be caused by an apparent misunderstanding between "micro format" and "macro format" by the Examiner.

Regarding the objection to Claims 2, 7 and 15, it is respectfully submitted that amendment to Claims 2, 7 and 15 overcomes the Examiner's objection.

Because the above arguments put Claims 1, 2, 6, 7, and 15 in condition for allowance, then, at least because of their dependence on these claims respectively, dependent Claims 3-5, 8-14 and 16-19 are also in condition for allowance.

Concerning the objection to the drawings, it is respectfully submitted that Figures 2, 8, 10 and 11 are acceptable as filed. These Figures are not block diagrams, but instead represent frames and symbols (Figs. 2, 10 and 8) and a cell structure (Fig. 8), in a form recognized by those skilled in this technology. A replacement sheet showing amendment to Figures 16 and 17 is enclosed as requested by the Examiner.

The application as now presented, containing Claims 1-19 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicants

THE FARRELL LAW FIRM, PC
333 Earle Ovington Boulevard, Suite 701
Uniondale, New York 11553
TEL: (516) 228-3565

PJF/HY/lb